



TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

DECOS, 2006

TE P:RA:T:A2

Re:

Company =

This letter constitutes notice that your request for a waiver of the minimum funding standard for the above-named plan for the plan year ending December 31, 2005, has been denied.

The Company is involved in hardship was brought about by the loss of two major depleted the Company's working capital, and resulted in a loss of bonding which forced the Company to enter a different

The current financial which

You were notified in a letter dated October 6, 2006, that your request had been tentatively denied. A conference of right was held on October 30, 2006. At the time, a decision was made to obtain a revised actuarial valuation using an acceptable funding method and actuarial assumptions; then to await your review of the 5-year financial projection that was earlier submitted, and your submission of a monthly payment schedule that would fund the Plan ongoing, assuming the waiver was to be granted.

In a letter dated November 17, 2006, you stated that, based on your current financial condition, the Company would be filing for a distress termination of this Plan. Because it is unreasonable to assume that the Plan will continue only if a funding waiver is granted, your request for a waiver of the minimum funding standard for the plan year ending December 31, 2005, has been denied.

You should note that excise taxes under section 4971(a) of the Internal Revenue Code are currently due on the accumulated funding deficiencies in the Plan for the Plan years ending December 31, 2004, and December 31, 2005. You should file a Form 5330 as soon as possible to report and pay the taxes.

This ruling is directed only to the taxpayer that requested it. Section 6110(k)(3) of the Code provides that it may not be used or cited by others as precedent.

We have sent a copy of this letter to the Manager, EP Classification in
, to the Manager, EP Compliance Unit in

If you require further assistance in this matter, please contact :

Sincerely yours,

Donna M. Prestia

by Anthony Montanaro

Donna M. Prestia, Manager
Employee Plans Actuarial Group 2